

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
WILKESBORO DIVISION

IN RE:]	
]	Case No. 10-51645
DUNG TUAN NGUYEN]	
NGA THUY HUYNH]	Chapter 7
]	
<u>Debtors</u>]	

MOTION FOR TURNOVER

The Trustee, by counsel, hereby moves the Court for an Order granting turnover of non-exempt equity of the Debtors, and in support thereof states as follows:

1. The above-referenced are Debtors having filed a Petition for Relief under Chapter 7 of Title 11 of the United States Code on November 30, 2010. The case was dismissed and later reinstated and the Section 341 Meeting was held on April 4, 2011. Barrett Crawford is the Chapter 7 Trustee in this matter.
2. The Debtors' petition as filed showed \$2,015.00 in non-exempt equity in a 1997 Toyota Camry and \$920.00 in non-exempt equity in a 1999 Sienna minivan. The Debtors received a 2010 tax refund in the amount of \$9,890.00. The Debtors also received a 2010 North Carolina tax refund in the amount of \$1,981.00. Pro-rated to the date of filing, November 30, 2010, these tax refunds total \$10,830.25.
3. The female Debtor had a \$5,000.00 wild card exemption available to her, thus leaving technically \$415.12 of non-exempt equity attributable to the female Debtor. The total non-exempt attributable to the male Debtor is \$8,350.13.
4. Despite repeated requests, the Debtors have not turned over any of the non-exempt equity.

WHEREFORE, the Trustee prays for an Order requiring turnover of the Debtors' non-exempt equity previously requested, and for any such other and further relief as the Court may deem appropriate under the circumstances.

This the 3rd day of October, 2011.

LAW OFFICE OF BARRETT L. CRAWFORD, P.A.

/s/
Barrett L. Crawford, Trustee and Attorney for the Trustee
North Carolina State Bar Number 15807
P.O. Box 400, Valdese, NC 28690-0400
(828) 879-2001/(828) 879-8355 (Facsimile)

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NOTICE OF MOTION AND HEARING

TAKE NOTICE that Barrett L. Crawford, Trustee in this case, has filed a Motion for Turnover, a copy of which is attached.

Your rights may be affected. You should read this Notice carefully and discuss it with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the Court to approve the relief requested, or if you want the Court to consider your views on the Trustee's request, then on or before fifteen days from the date of this notice, you or your attorney must do three (3) things:

1. File with the Court a written response explaining your position at:

U.S. Bankruptcy Court
P.O. Box 34189
Charlotte, NC 28234-4189

If you mail your request to the Court for filing, you must mail it early enough so the Court will **receive** it on or before the date stated above.

2. On or before the date stated above for filing your written response, you must also mail or fax a copy of your written response to:

Barrett L. Crawford
P.O. Box 400
Valdese, NC 28690-0400
Fax: (828) 879-8355

3. Attend the hearing that will be held on Friday, November 4, 2011 at 10:30 a.m., United States Bankruptcy Court, Johnson J. Hayes Federal Building, Courtroom # 201, 207 West Main Street, Wilkesboro, North Carolina 28697.

10-51645

If you or your attorney do not take these steps, the Court may decide that you do not oppose the hearing as set out above and may enter an order allowing the relief requested.

This the 3rd day of October, 2011.

LAW OFFICE OF BARRETT L. CRAWFORD, P.A.

/s/

Barrett L. Crawford, Trustee and Attorney for the Trustee
North Carolina State Bar Number 15807
Post Office Box 400
Valdese, North Carolina 28690-0400
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CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing Motion for Turnover was duly served on the parties of this action by depositing a copy of same in the U. S. Mail, postage prepaid, and addressing it to the following:

J. Samuel Gorham, III (via ECF)

Dung Tuan Nguyen
Nga Thuy Huynh
2108 5th Ave NW
Hickory, NC 28601

This the 3rd day of October, 2011.

LAW OFFICE OF BARRETT L. CRAWFORD, P.A.

/s/

Kelly Gunter
Legal Assistant
Post Office Box 400
Valdese, North Carolina 28690-0400
Telephone: (828) 879-2001
Facsimile: (828) 879-8355